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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,730	12/03/2003	Todd Hanson	HD63/01	6338

49716 7590 04/08/2005

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EXAMINER

YUN, JURIE

ART UNIT PAPER NUMBER

2882

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,730

Applicant(s)

HANSON ET AL.

Examiner

Jurie Yun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, because the disclosure is not enabling for any and all types of imaging systems and methods such as MRI, ultrasound, PET, etc. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

3. Claims 1 and 2 are rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for a "probe" and a "universal machine alignment tool" and specifically how they are used with the cubic test device. It is unclear what the probe is and what it is used for. The disclosure teaches that it is a radiation detector and should be so claimed.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph. It is unclear what structural limitations are conveyed by "probe cylinder". It is suggested to change the term to radiation detector, for example.

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6. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph. It is unclear what structural limitations are conveyed by “universal machine alignment tool”.

Claim Objections

7. Claim 4 is objected to because of the following informalities: there is lack of antecedent basis for “the probe” in line 5. Furthermore, the radiation detecting and measuring device is not positively recited, so the probe of the radiation detecting and measuring device would not be meaningful. Appropriate correction is required.

8. Claim 9 is objected to because of the following informalities: there is lack of antecedent basis for “the probe” in line 3. Furthermore, the radiation detecting and measuring device is not positively recited, so the probe of the radiation detecting and measuring device would not be meaningful. Appropriate correction is required.

9. Claims 11 and 12 are objected to because of the following informalities: it appears they should depend from claim 10. Appropriate correction is required.

10. Claim 13 is objected to because of the following informalities: there is lack of antecedent basis for “the scored white central and peripheral grid lines of the cube” in lines 4-5. Appropriate correction is required.

Drawings

11. The description for Figure 8 in the disclosure (page 13, line 9) appears to be erroneous. It appears to be a side and not front elevational view. Appropriate correction is required.
12. There are no brief descriptions in the "Brief Description of the Drawings" for figures 11-22. Appropriate correction is required.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

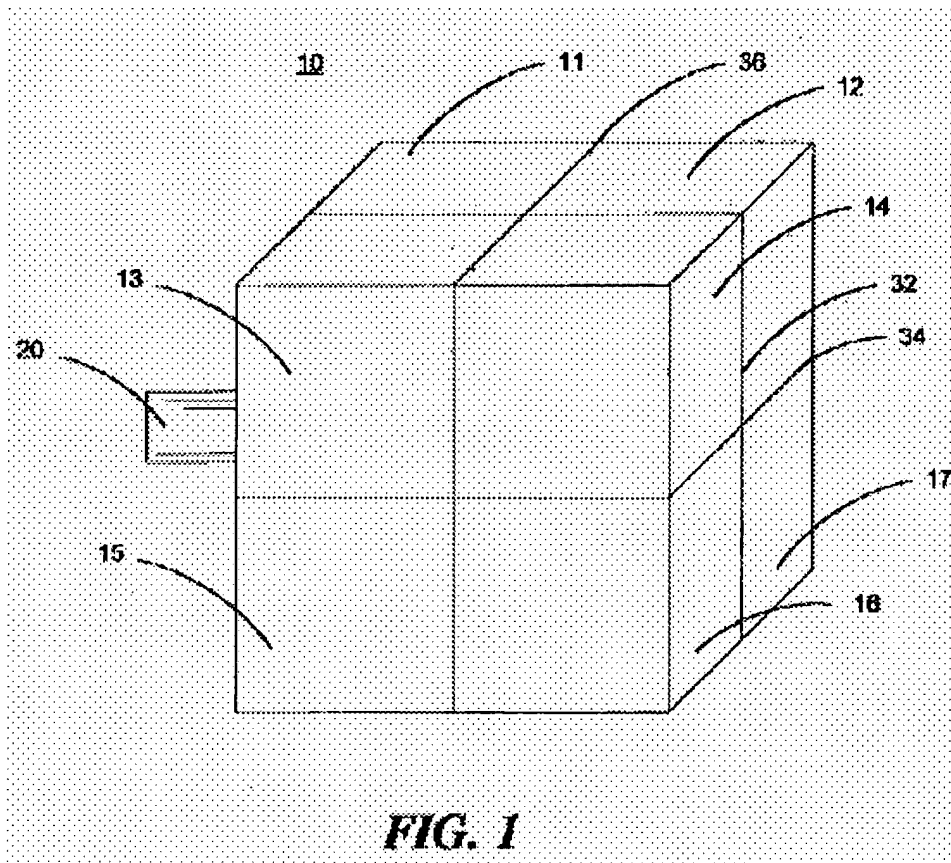
14. Claims 2, 4, 6, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sliski (USPN 5,511,107) in view of Dawson (USPN 6,364,529 B1).
15. With respect to claim 2, Sliski discloses a medical device standardizing system comprising, in combination, a cubic test device (10) having a centrally located cylindrical aperture (47) there through and a probe cylinder (20) being configured to be received by and held within the central cylindrical aperture.

Sliski does not disclose a test device resting table having a flat plane surface to receive the cubic test device; a test device resting table level; and a plurality of density plugs. Dawson discloses a test device resting table (12) having a flat plane surface to receive the cubic test device (10); a test device resting table level (via 15, 16, 17, and 20 – column 2, lines 53-55); and a plurality of density plugs (column 3, lines 34+). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sliski to include a test device resting table having a flat plane surface to receive the cubic test device; a test device resting table level; and a plurality of density plugs, as taught by Dawson, to make the Sliski test device more stable and accurate.

16. With respect to claims 4 and 9, Sliski discloses the cubic test device further comprises a probe cylinder (20) being configured to be received by and held within the central aperture (47), the probe cylinder being configured to receive the probe of the radiation detecting and measuring device, the probe being configured and sized to couple within the central cylindrical aperture of the cubic test device.

17. With respect to claim 6, Sliski discloses the cubic test device (see Fig. 1) has pairs of etched grid lines dividing each face of the cube into four quadrants and four equal squares.



18. With respect to claims 10-13, Sliski does not disclose the resting table comprises a flat plane surface also having a plurality of indicia to enable a user to locate the test cube in the center of the resting table, the resting table having a first central finger configured to couple with a central bore on the bottom face of the cubic test device to prevent the cubic test device from sliding on the resting table, the resting table having a plurality of leveling screws and a recess aperture on one side; a test device level having a second central finger to couple with the recess aperture of the resting table to hold the resting table in place.

Dawson discloses the resting table (12) comprises a flat plane surface also having a plurality of indicia (see Fig. 1) to enable a user to locate the phantom in the

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center of the resting table, the resting table having a plurality of leveling screws (15-18 & 20) and a recess aperture on one side.

Dawson does not disclose the resting table having a first central finger configured to couple with a central bore on the bottom face of the cubic test device to prevent the cubic test device from sliding on the resting table, and a test device level having a second central finger to couple with the recess aperture of the resting table to hold the resting table in place. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide these to ensure stability of the test device. Although Dawson does not specifically disclose the elements of claim 12, functional equivalents are taught by Dawson to ensure correct placement of the leveling means. With respect to claim 13, a ruler with indicia for measuring means is well known in the art.

Allowable Subject Matter

19. Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

20. Claims 3, 5, and 7-8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ehnholm et al. (USPN 6,493,574 B1), Farrokhnia et al. (USPN 6,231,231 B1), and Golden (USPN 3,867,638) disclose phantoms.

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22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 571 272-2497.

The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jurie Yun
March 25, 2005



Craig E. Church
Primary Examiner